



Serial No. 10/766,906

Docket No.: 1793.1121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Seung-Sik YANG

Serial No. 10/766,906

Group Art Unit: 2625

Confirmation No. 5692

Filed: January 30, 2004

Examiner: Marcus T. Riley

For: PRINTING METHOD AND APPARATUS FOR RECOVERING ERROR AND
COMPUTER-READABLE RECORDING MEDIUM FOR STORING COMPUTER
PROGRAM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Attention: **MAIL STOP AF**
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

This is a "pre-appeal brief request for review" filed concurrently with a Notice of Appeal appealing final rejection of claims 1-20 in the April 10, 2009 Final Office Action (hereinafter "Office Action").

A pre-appeal brief panel review of below appealable issue I is requested:

I. The Office Action rejection of claims 1-20 over Osada in view of Mori is clearly improper, because the Office Action errs by improperly alleging that Osada teaches features not taught in the remaining references. Thus, the prior art references do not teach or suggest all the claim limitations, as required by M.P.E.P. 2143.

Independent claim 1 (used as an example herein) recites determining whether an error has occurred while the intermediate data is converted into the printing data.

The Examiner relies upon column 9, lines 60-63 (hereinafter "portion one"). Specifically, the Office Action relies upon the error flag 1 of Osada as teaching that an error has occurred. This portion discloses that an error flag indicates that some error has occurred in the printing apparatus 110, and that this flag is added to a replay packet sent from the printing apparatus 110 to the host computer 109. However, there is no teaching regarding when the error occurs.

The Examiner also relies upon column 2, lines 65-67 and 1-24 of Osada (hereinafter "portion two"). The Office Action indicates that this portion teaches that the JL parser unit 1408 analyzes the received data on the basis of whether the data supplied indicates information about the printing apparatus 110, and that the rendering buffer 1410 temporarily stores the intermediate data of the rendering object until it is actually printed.

Regarding portion one, this portion includes no teaching regarding when the error occurs. Particularly absent is any teaching of events transpiring with respect to intermediate data being converted into printing data.

Second, regarding portion two, while this reference teaches converting data into intermediate data, there is no teaching regarding the timing of this conversion with respect to error occurrence.

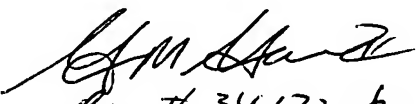
Thus, both portions have a deficiency in that they do not address the claim feature of an error has occurred "while" the intermediate data is converted. Instead, these portions do not discuss the timing relative to other claim features.

M.P.E.P. 2143 requires the prior art references to teach or suggest all the claim limitations. Thus, the final Office Action rejections are clearly improper for failing to address all claimed features.

Withdrawal of the rejection of pending claims is respectfully requested. If there are additional fees associated with this filing, please charge same to Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

Date: June 10, 2009

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